THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.7973 of 2007

Dated: 19.04.2007

Between:

Nidigonda Padma.

..... PETITIONER

AND

The Special Officer and Competent Authority, Warangal.

.....RESPONDENT

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.7973 of 2007

ORDER:

The petitioner purchased open vacant land admeasuring 6000 sq. yds/5016.00 sq. mtrs comprised in survey No.704/A and 709 (old) 623(New) situated at Waddepally Revenue Village, Hanumakonda Mandal, Warangal District, under a registered agreement of sale-cum-General Power of Attorney dated 14.11.2005 executed by the legal heirs of Gutam Raji Reddy and his wife, Gutham Venkatamma. Later having come to know that she was cheated in the transaction, she lodged a complaint with P.S. Kazipet (F.I.R.No.186 of 2006) under Sections 419, 323 and 506 read with 34 I.P.C. and Section 156(3) Cr.P.C. The same is pending investigation. In the meanwhile, it is alleged that the respondent is trying to interfere with the possession of the petitioner without following due procedure. Apprehending that she might be dispossessed, instant writ petition is filed.

After hearing the learned counsel for the petitioner and the learned Assistant Government Pleader for Revenue (Urban Land Ceiling), this Court is convinced that the writ petition is filed on mere apprehension. Therefore, this Court observes that unless and until said land has already been vested in the Government under Section 10(3) of the Urban Land (Ceiling and Registration) Act, 1976, (the ULC Act, for brevity) and unless and until a notice under Section 10(5) of the ULC Act is issued to the occupant, he/she(occupant) cannot be dispossessed without such procedure. This observation would be sufficient redressal in the background of the case.

The writ petition, with the above observations, is accordingly dismissed. No costs

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(**V.V.S.RAO, J**)

19th April, 2007
ghn